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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,490	07/07/2003	Jack D. Sievers	ED01-P25	9259

7590 05/20/2004

John S. Reid  
Reidlaw, L.L.C.  
1926 S. Valleyview Lane  
Spokane, WA 99212-0157

EXAMINER

SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/614,490

Applicant(s)

SIEVERS, JACK D.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 through 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as to the following:

In each of claims 6 and 7, recitation of the phrased subject matter "said member" renders the claims indefinite since the phrase does distinguish between the claimed subject matter of the *rigid elongate member*, the *rigid gate member*, or the *grip-enhancing member* established in claim 1.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Stilson (U. S. Patent No. 565,520). Stilson ('520) discloses a bullsnap fastener comprising: a rigid elongate member having a mid-section (4), a hook (2) having a shank (3) and a curved distal end, said hook extending from a first end (end having pin 9) of said mid-section so as to define a hook space between said shank and said distal end, and an opening between said distal end of said hook and said first end of said mid-section, an eye (1) extending from a second end (end having flanges 13) of said mid-section generally opposite said first end, a rigid gate member (8) pivotally mounted to said mid-section and lying substantially in a plane containing said hook so as to be pivotable between a closed position, wherein an end surface (the inner surface of gate 8 between end 10 and pin 9) of said gate blocks said opening end and closes off said hook space, said end surface extending from said opening to said shank of said hook, and an open position wherein said gate has been pivoted outwardly of said opening, away from said hook, so as to

unblock said opening allowing access to said hook space, resilient biasing means mounted in said mid-section for resiliently biasing said gate from said open position into said closed position, and

at least one grip-enhancing member (end 11) protruding outwardly of said gate;

(concerning claim 2) the grip-enhancing member is a rigid lever extending in said plate outwardly from said gate, oppositely disposed relative to said end surface of said gate, so as to extend cantilevered outwardly of said gate and said distal end of said hook when said gate is in said closed position;

(concerning claim 3) the lever is nose-shaped;

(concerning claim 5) the grip-enhancing member is a member extending from said gate generally orthogonally outwardly of said plane;

(concerning claim 6, so far as definite) the member is a rigid pin (pin 9) extending through said gate so as to protrude opposite ends of said pin equally from opposite sides of said gate;

(concerning claim 7, so far as definite) the member includes at least one wing-shaped protrusion (flange 13) extending from sides of said gates; and

(concerning claim 8) the at least one wing-shaped protrusion is a pair of wing-shaped protrusions (13) mounted in oppositely disposed array on opposite sides of said gate.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stilson ('520) in view of White (U. S. Patent No. 1,473,983). Stilson ('520) discloses the claimed fastener except for wherein grip-enhancing striations formed on an outer surface of said lever. White ('983) shows an analogous fastener having grip-enhancing striations (i.e., "knurled" external surface,

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column 2, lines 53-58) formed on an outer surface (of sleeve 16) of a lever (latch member 11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided grip-enhancing striations on the outer surface of Stilson's ('520) lever, as taught by White ('983) since White ('983) suggests that the knurled surface enables a firm grip between the fingers for manipulation (of sleeve 16).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fastener structure is further represented by Maurice et al. (U. S. Patent No. 5,791,025), Calvert (U. S. Patent No. 896,084), Tada et al. (U. S. Patent No. 4,050,730), Harley (U. S. Patent No. 3,317,972), Henshaw (U. S. Patent No. 28,669), Chittenden (U. S. Patent No. 1,672,710), Spielman (U. S. Patent No. 311,791), McLean et al. (U. S. Patent No. 5,329,675), and Fengels (U. S. Patent No. 4,118,840).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ROBERT J. SANDY  
PRIMARY EXAMINER

Robert J. Sandy  
Primary Examiner  
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